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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/431,636 11/01/99 MCFARLAND

K 29193-PA

EXAMINER

QM12/0705

BERNHARD KREten  
SUITE 245  
77 CADILLAC DRIVE  
SACRAMENTO CA 95825

FARAH, A

ART UNIT

PAPER NUMBER

3739

3

DATE MAILED:

07/05/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/431,636

Applicant(s)

Kevin Mark McFarland

Examiner

A. Farah

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3739



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 13-16 is/are rejected.
- 7) ☒ Claim(s) 8-12 is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☒ Notice of Draftperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 20) ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a) because Fig. 5 fails to show canopy 50 as described in the specification (Page 8, line 7). Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Brown U. S. Pat. No. 5,383,916.

Brown discloses a tanning bed system comprising a plurality of modules collectively defining components of said tanning bed and a knock-down coupling means for assembling said components into an operational tanning bed, as claimed.

Further, Brown's system includes canopy 12 provided with illumination means for tanning, a pair of spaced bench supports 11, removable unit 13 disposed between said bench supports, and

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fan 56 for providing cool air into the system. Brown further teaches that unit 13, which houses a various electrical components is designed to be readily removed and sent to be serviced independent of the tanning bed.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-7 and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown U. S. Pat. No. 5,383,916. in view of Kramer et al. U. S. Pat. No. 4,600,009.

Brown has been described above. However, although he discloses a removable unit disposed between his bench supports, he does not teach that said unit is a ballast housing. Kramer et al. discloses an alternative UV tanning bed comprising an L-shaped bench supports and ballasts, 32, disposed between said bench supports. Thus, it would have been obvious to one having the ordinary skill in the art at the time of the applicant's invention to modify Brown with Kramer to provide removable ballasts disposed between the bench supports in order to provide an easy to maintain, user friendly system.

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6. Claims 8-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See the following references:

- |                         |                          |
|-------------------------|--------------------------|
| 1. Springer, Jr. et al. | U. S. Pat. No. 4,984,571 |
| 2. Smith                | U. S. Pat. No. 5,725,565 |
| 3. Drapper et al.       | U. S. Pat. No. 4,993,091 |
| 4. Kruithof             | U. S. Pat. No. 4,918,319 |
| 5. Kramer               | U. S. Pat. No. 4,881,548 |
| 6. Kramer et al.        | U. S. Pat. No. 4,683,887 |
| 7. Doty                 | U. S. Pat. No. 6,139,568 |

Any inquiry concerning this communication or earlier communications from the examiner should be directed to a. Farah whose telephone number is (703)305-5787.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms.

Linda Dvorak, can be reached on (703) 308-0994. The fax number for the Examiner is (703) 746-3368.



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SUPERVISORY PATENT EXAMINER  
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